IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 5893 of 2005

M/S.NASRUDDIN BHATI & ORS.
V/S
STATE & ORS.

Mr. RAKESH ARORA, for the appellant / petitioner

Date of Order : 6.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

It is true that at present when the controversy stand concluded by the orders of this Court dated 26.2.2003, there was no necessity for making any changes in the licence, but mere making changes in the licence will not adversely effect the petitioners in any manner because of the simple reason that in the order dated 12th July, 2005 itself the Mining Engineer clearly recorded that to give effect to the order received from the Director, Mines, Udaipur dated 13.12.2004, it has been decided to enter the name of legal representatives of Abdul Wahid, but with clear condition that this is subject to decision or order, which may be passed by the civil court in Civil Original Suit No.29/99.

Since the order to maintain the status-quo has been passed by this Court in S.B.Civil Revision Petition

No.888/2000 dated 26.2.2003 is the ultimate order so far as the mine is concerned and by any order of any authority the status-quo cannot be altered, either by the authority or by the parties to the litigation till the suit is decided by the trial court, therefore, if the Mining Engineer under assumption that he has to comply with the order of his higher authority for making some entries in record, he has passed the impugned order, he has not given any right nor he could have given any right to any party to alter the status-quo, which has been protected by the order of this Court dated 26.2.2003.

In view of the above, the order dated 12.7.2005 cannot come in way of the petitioners in any manner in any proceeding at any point of time. Therefore, I do not find any reason to entertain this writ petition to multiply the proceedings, and particularly in view of the decision of this Court dated 26.2.2003 passed in S.B.Civil Revision Petition No.888/2000.

Hence, the writ petition of the petitioner is disposed of.

(N P GUPTA),J.

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